IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

OP.No. 36569 of 2001(C)

PETITIONER:

K. NARAYANAN, AGED 55 YEARS,
S/O. POKKAN, HEADMASTER (RETIRED),
REGI RAL, P.O. CHALA (EAST),
KANNUR.

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS:

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1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE (PRU) DEPARTMENT,
GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. ACCOUNTANT GENERAL (AUDIT & ACCOUNTS) KERALA,
P.O. BOX NO.5607, M.G. ROAD, TRIVANDRUM.

BY GOVERNMENT PLEADER SHRI BENJAMIN PAUL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 59869/01IN OP 36569/01 C

DISMISSED

14.12.2007 SD/- K.M. JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER NO.P16/REVN/21/BX/01-02/889 DATED 26.7.2001 BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE GOVERNMENT ORDER NO.G.O.(P). NO.1062/2001/FIN. DATED 25.9.2001.

EXT.P3 TRUE COPY OF THE PROCEEDING NO.GE 9/B/N 111/G. EDN./872 DATED 12.11.2001 BY THE 2ND RESPONDENT TO THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.

EXT.P4 TRUE COPY OF THE REPRESENTATION DATED 16.11.2001 BY THE PETITIONER TO THE FIRST RESPONDSENT.

RESPONDENTS' EXHIBITS: NILATH

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

O.P. NO. 36569 OF 2001 C

Dated this the 14th December, 2007

JUDGMENT

Case of the petitioner is lodged against Ext.P3 order. By Ext.P3, the Indian Audit and Accounts Department has taken the view that the petitioner has filed application for re-option on 16.2.1999, even though with effect from 1.7.1997 petitioner was not entitled to arrears consequent upon re-option being exercised from 1.7.1997 and the monetary benefits of re-option will be given only from the date of filing of the re-option, namely 16.2.1999. Petitioner has addressed Ext.P4 before the first respondent. Learned counsel for petitioner submits that the matter is covered by the Judgment of this Court in O.P. No.885/02, as confirmed by the Division Bench in W.A. No.184/04. In such circumstances, I think that a decision should be taken on Ext.P4. Accordingly, the Original Petition is disposed of directing the first respondent to consider and take a decision on Ext.P4 in accordance with law and taking into

consideration the aforesaid decision of this Court, within two months from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

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K. M. JOSEPH, J.

OP 36569/01 C

JUDGMENT

14th December, 2007.